

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA )  
vs. ) Case No. 1:95-CR-54  
JEFFERSON DAVIS NEAL )  
                            ) JUDGE EDGAR

MEMORANDUM AND ORDER

The defendant appeared for a hearing before the undersigned on August 14, 2009 and a continued hearing on August 17, 2009, in accordance with Rule 32.1 of the Federal Rules of Criminal Procedure on the Petition for Warrant for Offender Under Supervision of U.S. Probation Officer Anthony Green and the Warrant for Arrest issued by U.S. District Judge R. Allan Edgar. Those present for the hearing included:

- (1) AUSA's Mel Schwing and James Brooks for the USA.
- (2) The defendant JEFFERSON DAVIS NEAL.
- (3) Attorney Rita LaLumia for defendant.
- (4) Courtroom Deputies Kelli Jones and Russell Eslinger.

After being sworn in due form of law the defendant was informed or reminded of his privilege against self-incrimination accorded him under the 5th Amendment to the United States Constitution.

At the August 14, 2009 hearing, it was determined the defendant wished to be represented by an attorney and he qualified for the appointment of an attorney to represent him at government expense. Attorney Rita LaLumia of Federal Defender Services was appointed to represent the defendant. It was determined the defendant had been provided with a copy of the Petition for Warrant for Offender Under Supervision and the Warrant for Arrest and had the opportunity of reviewing those documents with Atty. LaLumia.

AUSA Schwing moved defendant be detained without bail pending his revocation hearing before U.S. District Judge Harry S. Mattice, Jr. The Court postponed the hearing until August 17, 2009 because the defendant appeared to be under the influence of an unidentified substance.

At the August 17, 2009, hearing, it was determined the defendant was capable of being able to read and understand the copy of the aforesaid documents he had been provided at the August 14, 2009 hearing. The defendant waived his right to a preliminary hearing and detention hearing.

Findings

(1) Based upon U.S. Probation Officer Anthony Green's petition and defendant's waiver of preliminary hearing and detention hearing, the undersigned finds there is probable cause to believe defendant has committed violations of his conditions of supervised release as alleged in the petition.

Conclusions

It is ORDERED:

- (1) The defendant, JEFFERSON DAVIS NEAL, shall be appear in a revocation hearing before U.S. District Judge Harry S. Mattice, Jr.
- (2) The motion of the government that defendant be DETAINED WITHOUT BAIL pending his revocation hearing before Judge Mattice is GRANTED.
- (3) The U.S. Marshal shall transport JEFFERSON DAVIS NEAL to a revocation hearing before Judge Mattice on **Monday, August 24, 2009, at 1:00 pm.**

ENTER.

Dated: August 18, 2009

s/William B. Mitchell Carter

UNITED STATES MAGISTRATE JUDGE